

**Congress of the United States**  
**Washington, DC 20515**

0723

June 13, 2012

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street  
Washington, DC 20554

Dear Chairman Genachowski:

The application of Verizon Wireless to acquire the Advanced Wireless Service (AWS) spectrum currently held by SpectrumCo and establish related joint-marketing agreements between Verizon Wireless and the cable companies that comprise SpectrumCo may have significant implications for the policy objectives established in the Telecommunications Act of 1996, including the promotion of competition and the expansion of consumer choice in the communications marketplace. Accordingly, we are writing to urge the Federal Communications Commission to examine this proposed transaction for its potential impact on the communications landscape and the goals of the '96 Act.

It was the intent of Congress in the Act to promote competition between telephone and cable companies. The Act's Conference Report emphasized that the legislation was intended "to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition".<sup>1</sup> During House Floor debate on the 1996 Act, Congressman Markey stated that "competition has consistently been the preferred vehicle for bringing affordable and high-quality telecommunications technologies to the American consumer...Over the long-term I believe that increased competition between and among...separate industries will create tens of thousands of jobs."<sup>2</sup>

Following the enactment of the Act, a new boom of innovation and competition was unleashed, resulting in hundreds of billions of dollars of new private sector investment thanks to the broadband revolution initiated by the statute. To fulfill the purpose and promise of the Act, it is essential that competition and consumer choice continue to animate our nation's communications policies.

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<sup>1</sup> U.S. House, *Telecommunications Act of 1996*, 104<sup>th</sup> Cong., 2nd sess. H. Rept. 104-458. Washington: GPO, 1996.  
<http://www.gpo.gov/fdsys/pkg/CRPT-104hrpt458/pdf/CRPT-104hrpt458.pdf>

<sup>2</sup> Rep. Markey (MA). "Telecommunications Act of 1996." *Congressional Record* 142 (February 1, 1996) p. 29.  
<http://www.gpo.gov/fdsys/pkg/CREC-1996-02-01/pdf/CREC-1996-02-01-house.pdf>.

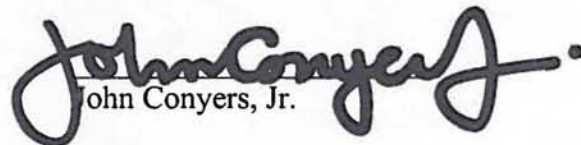
As you know, as part of the Verizon-SpectrumCo transaction, Verizon is seeking approval to purchase a rarely available block of nationwide spectrum. The value of this spectrum is driven not merely by a particular carrier's need, but also by the benefits potentially gained through prevention of its acquisition by a rival. As the Department of Justice has commented, this "foreclosure value" does not reflect the value of spectrum to the public, but the private value to one company of potentially forestalling competition.<sup>3</sup>

Ensuring that our country's spectrum is put to its most efficient and effective use as soon as practicable is a national imperative with implications for innovation, job growth and U.S. leadership in the communications ecosystem. We urge you to carefully evaluate the potential impacts of Verizon's post-transaction spectrum holdings and the joint-marketing agreements, taking into consideration the pro-consumer, pro-competition provisions enshrined in the '96 Act.

We look forward to your response. If you have any questions, please have a member of your staff contact Joseph Wender in Congressman Markey's office at 202-225-2836 or Ben Staub or Jason Everett with the Judiciary Committee at 202-226-6906.

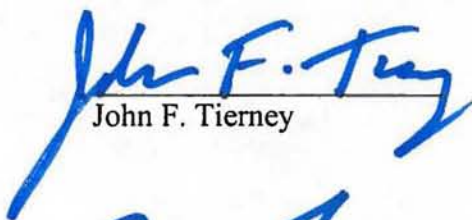
Sincerely,

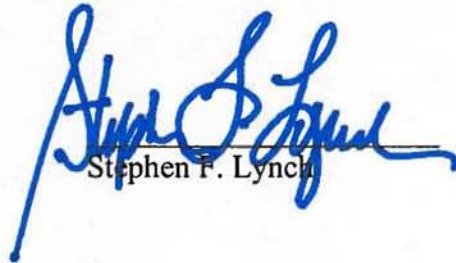
  
Edward J. Markey

  
John Conyers, Jr.

  
Barney Frank

  
John W. Olver

  
John F. Tierney

  
Stephen F. Lynch

  
Niki Tsongas

Cc: Commissioner Robert M. McDowell

<sup>3</sup> U.S. Department of Justice, Ex Parte Submission before the Federal Communications Commission. *In the Matter of Economic Issues in Broadband Competition, A National Broadband Plan for Our Future*. GN Docket No. 09-51. January 4, 2010. <http://apps.fcc.gov/ecfs/document/view?id=7020355122>.

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Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai





FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable John Conyers, Jr.  
U.S. House of Representatives  
2426 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Conyers:

Thank you for your letter expressing concerns about the proposed spectrum transfer and commercial agreements among CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

I can assure you that the Commission is undertaking a thorough, rigorous, and fact-based review, consistent with our statutory obligations under the Communications Act.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Genachowski", is written over the printed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Barney Frank  
U.S. House of Representatives  
2252 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Frank:

Thank you for your letter expressing concerns about the proposed spectrum transfer and commercial agreements among CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

I can assure you that the Commission is undertaking a thorough, rigorous, and fact-based review, consistent with our statutory obligations under the Communications Act.

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Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Stephen F. Lynch  
U.S. House of Representatives  
2348 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Lynch:

Thank you for your letter expressing concerns about the proposed spectrum transfer and commercial agreements among CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

I can assure you that the Commission is undertaking a thorough, rigorous, and fact-based review, consistent with our statutory obligations under the Communications Act.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

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Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Edward J. Markey  
U.S. House of Representatives  
2108 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter expressing concerns about the proposed spectrum transfer and commercial agreements among CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

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Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable John W. Olver  
U.S. House of Representatives  
1111 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Olver:

Thank you for your letter expressing concerns about the proposed spectrum transfer and commercial agreements among CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

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Julius Genachowski





FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable John F. Tierney  
U.S. House of Representatives  
2238 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Tierney:

Thank you for your letter expressing concerns about the proposed spectrum transfer and commercial agreements among CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

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Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Niki Tsongas  
U.S. House of Representatives  
1607 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Tsongas:

Thank you for your letter expressing concerns about the proposed spectrum transfer and commercial agreements among CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

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